

**IN THE
SUPREME COURT OF INDIANA**

CASE NUMBER:

**ORDER AMENDING INDIANA RULES OF PROCEDURE
FOR POST-CONVICTION REMEDIES**

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, *Rule 1* of the *Indiana Rules of Procedure for Post-Conviction Remedies* is amended to read as follows (deletions shown by ~~striking~~ and new text

shown by underlining):

INDIANA RULES OF PROCEDURE FOR POST-CONVICTION REMEDIES

Rule PC 1. Section 12. Successive Petitions

...

APPENDIX TO RULE PC 1

FORM FOR POST-CONVICTION RELIEF RULE 1 PETITIONS

INSTRUCTIONS—READY CAREFULLY

...

8. State concisely all the grounds known to you for vacating, setting aside, or correcting your conviction and sentence. (See Rule PC 1, Sec. 1a)

(If you have more grounds, use reverse side or separate sheet. However, if this is a successive petition for post-conviction relief, you may submit no more than fifteen (15) additional pages, double-spaced, to provide supporting facts. You may also submit exhibits.

...

FORM FOR SUCCESSIVE POST-CONVICTION RELIEF RULE 1 PETITIONS

...

INSTRUCTIONS--READ CAREFULLY

If you have previously filed a Petition for Post-Conviction Relief directed to this conviction or these convictions and the earlier petition was decided on the merits, you must fill out this form and file it along with your Petition. It must be legibly handwritten or typewritten, signed by the petitioner before a person authorized to take oaths and properly notarized. Since this must be signed under oath, any false statement of a material fact herein may serve as the basis of prosecution and conviction for perjury. Exercise care to be sure all answers are true and correct.

You must mail the original and two copies of this form along with your petition to the Clerk of the Supreme Court and Court of Appeals, 200 West Washington Street, Room 217, Indianapolis, IN 46204-2732. The Clerk will refer your petition to the Supreme Court in death penalty cases and the Indiana Court of Appeals in all other cases. The court will then decide whether your petition may be filed in the trial court where your first Post-Conviction Remedy Rule 1 petition was adjudicated.

NOTE: The court will allow a second or successive petition for post-conviction relief to be filed if the petitioner establishes a reasonable possibility that the petitioner is entitled to post-conviction relief. However, a petitioner does not establish a reasonable possibility that the petitioner is entitled to post-conviction relief where, for example, (1) if the petitioner only alleges grounds for relief that are not different from those which have already been decided on the merits, or (2) if the only grounds alleged, even if different, should have been alleged in an earlier proceeding.

~~Additional pages are not permitted except to state facts in support of your answers.~~ In addition to this form, you may submit no more than fifteen (15) pages, double-spaced, to provide supporting facts. You may also submit exhibits. Any citation of authorities should be avoided and is only appropriate if there has been a change in the law since the judgment you were attacking was entered. Your answer(s) should be confined to relevant facts and must not include legal arguments.

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This amendment shall take effect January 1, 2003.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public

Defender of Indiana; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public

DONE at Indianapolis, Indiana, this _____ day of July, 2002.

Randall T. Shepard
Chief Justice of Indiana

All Justices concur.